

Dear Case Manager,

I would like to request for an independent review of the Board's decision citing a substantial flaw in the Board's determination and also substantial flaw in how decision was made.

Case Number 0412/17

Advertiser Meat & Livestock Australia Ltd

Below is a point by point rebuttal of the Board's decision to make a strong case for Independent review and why the ad should be withdrawn immediately.

## **1). Substantial flaw in Board's decision:**

### **1. Boards Finding:**

*The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code")....*

*The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'*

*The Board noted this two minute internet advertisement features a group of various divinities, prophets and icons seated around a table enjoying a meal together.*

*The Board noted the AANA Code of Ethics Practice Note which, in relation to Section 2.1, defines:*

*'Discrimination - 'unfair or less favourable treatment;*

*Vilification - humiliates, intimidates, incites hatred, contempt or ridicule.'*

*The Board noted that in order to find a breach of section 2.1 it would need to determine that the advertisement depicted material in a manner that was unfair or less favourable or humiliating or inciting ridicule, because of, in this case, religion.*

### **1. My Rebuttal:**

The advertisement shows all the characters in proper Australian accent and people playing characters to be of Australian background, infact for example Jesus who is from Middle Eastern origin is played by an Australian man with Australian accent and everyone had an Australian accent. But Lord Ganesha was shown to be played by an Indian Ethnic background person and with a Heavy Mocking Indian Accent. This infact promotes ridiculing Indian ethnic background people with an accent which is mostly used to mock them or degrade them. Why is Lord Ganesha singled out for such portrayal?

This is Discrimination - 'unfair or less favourable treatment; and also

Vilification - humiliates, intimidates, incites hatred, contempt or ridicule.

This clearly vilifies a person or section of the community on account of race, ethnicity, nationality, and religious belief, social & cultural attributes.

### **2. Boards Finding:**

*The Board noted that according to Hindu religion Lord Ganesha is vegetarian (<https://www.boldsky.com/yoga-spirituality/faith-mysticism/2012/lord-ganesha-loves-030888.html>) but considered that in the advertisement we do not see him consume lamb or any other meat. The Board noted the complainants' concerns that by depicting*

*Lord Ganesha at a meal which is celebrating lamb and where the toast is, "the meat we can all eat" the advertisement is disrespectful to Hindus as it trivialises their God's dietary requirements and beliefs. The Board noted the advertiser's submission that the advertisement depicts a clearly fictional and humorous scene and that the guests at the dinner table are intended to be symbolic of people who follow different faiths or no religion.*

## **2. My Rebuttal:**

Using an internet website link "<https://www.boldsky.com/yoga-spirituality/faith-mysticism/2012/lord-ganesha-loves-030888.html>" for any reference to such a matter is highly questionable for such an authority as ABS. More proper and thorough research using Hindu Scholars and Temple Priests should have been considered before coming to any assumptions about the religion.

If it symbolizes my faith / religion, then it should be done properly not in a derogatory manner, humorous scene could be the intention in all fairness but for me and many others it is not humorous to depict my religion and God in a derogatory manner. Humour is when everyone enjoys and laughs at any depiction it is not when some laugh and enjoy at others expense.

## **3. Boards Finding:**

*The minority of the Board noted that it had previously upheld a complaint about a radio advertisement which used music similar to the Muslim call to prayer to promote alcohol (0359/13) where: "The Board considered that a strong association between a fundamental religious belief and a product that is contrary to that belief is disrespectful and offensive to the Muslim community. The Board agreed that to promote alcohol in connection with a prayer tradition was a depiction of material that vilified a section of the community, on the basis of their religion and that the advertisement did breach Section 2.1 of the Code."*

## **3. My Rebuttal:**

I can give you many example & witnesses of my friends who follow Islamic faith and still consume alcohol. So if the same logic of Hindus eat Non Vegetarian food even though the Hindu Religious Gods don't applies why was *Muslim call to prayer to promote alcohol (0359/13)* banned. In this case particularly Lord Ganesha who is shown promoting or consuming (either one of them or both applies, I think the board will agree on that) doesn't consume meat and is a strong vegetarian promoting God and also he is a God who is kept in any Hindu Worship as the first deity, so why wasn't that's taken into account even though some Hindus eat meat.

## **4. Boards Finding:**

*The minority of the Board noted that the hostess acknowledges that catering to the varying dietary requirements of her guests is difficult and considered that her subsequent toast suggesting that lamb is the meat they can all eat suggests that she is either ignoring the dietary requirements of Lord Ganesha, and the Buddhist monk who would also be vegetarian, or that she is dismissing their requirements as of no importance. The minority of the Board considered that the advertisement presents Lord Ganesha as a lamb eater and that this undermines an important characteristic of this God, and that this is therefore less favourable treatment given to the Hindu deity. The minority of the Board considered that this treatment of Lord Ganesh is therefore a depiction of a person in a manner that discriminates against or vilifies him, because of his characteristic of not eating meat and therefore is discriminatory to the Hindu section of the community, on the basis of religion. The minority of the Board considered that the advertisement breaches Section 2.1 of the Code.*

*Following considerable discussion the majority of the Board considered that the overall tone of the advertisement is light-hearted and humorous and in their view the intent is to be inclusive in a manner which promotes a harmonious and multi-faith environment.*

#### **4. My Rebuttal:**

The minority board is correct in their understanding and the majority of the board has assumed that the advertisement is light-hearted and humorous. When you leave out God or even a Prophet from Muslim faith for reasons it's not permissible in their faith and it will offend people of Islamic faith, then it clearly shows the intent is not inclusive and multi-faith environment. It is more of respecting One faith for whatever reasons and Disrespecting another faith because the advertiser thought it is humorous to depict Hindu God in derogatory way.

#### **5. Boards Finding:**

*The Board noted that the 2016 Census reports that Hindu is the tenth most prevalent religion in Australia and that people of Indian decent are also the fifth largest group in Australia. The Board considered that the Indian population and those of Hindu religion are not a disadvantaged or minority population for the consideration of whether or not material is vilifying.*

#### **5. My Rebuttal:**

It is beyond belief that 1.88% of the population is considered as not minority, and also people of Indian decent are not all of Hindu Faith. One of the important criteria as per UN Human Rights Commission for being a minority is that particular community should be in non-dominant position. People of Hindu religion are definitely a minority in various degrees, there is no representation for them in any or both Victorian State and Australian Federal parliament. In Victoria there is no representation for them in Council, State levels as well. They are not in any dominant positions of the Australian Government, hence we can safely say that Hindu's are a minority in Australia.

#### **6. Boards Finding:**

*The Board noted that while many Hindus are vegetarian, vegetarianism is not a requirement of this faith. The majority of the Board considered that the depiction of Lord Ganesha is, as the advertiser suggests, simply symbolic of the Hindu faith and his inclusion is part of the message of an inclusive multi-faith meal.*

*The majority noted that Lord Ganesha is not shown to consume any meat during the advertisement. The majority of the Board also noted that Lord Ganesha does not drink alcohol and considered that the advertiser had taken care to show him toasting with a glass of water. The majority of the Board noted that at the end of the advertisement Lord Ganesha states that they should get together more often and considered that he is depicted as happy and in control of the situation and that whilst he may not be consuming the lamb he is part of the gathering and enjoying the company of those with different beliefs who do eat lamb.*

#### **6. My Rebuttal:**

Hinduism is a Major Religion with many principles and customs. It doesn't promote or accepts consumption of Meat or any other living thing. In this case it's even worse, that Lord Ganesha is passing the Lamb to the other Deities in the table for consumption and also a plate of chewed lamb bones is visibly present right in front of him suggesting that's his plate to the viewers. This not only insults the most revered God in Hinduism Lord Ganesha but also shows him promoting

consumption of Meat. Lord Ganesha is a favourite God for many Hindus but particularly is favoured among children, this video will cause major confusions and significant damage to the understanding of children about their God that he is promoting consumption of lamb while he is a vegetarian. This also creates a false belief that Lord Ganesha preaches something and does something else. It cannot be considered just because a person of Hindu faith eats meat that his faith & God should be shown that way. Then for example will it be right to show a Jewish or Islamic God or Prophet consuming pork just because someone in that faith eats them?

#### **7. Board's Finding:**

*Board noted that Buddha asks if they should "address the elephant in the room" and considered that the manner in which this statement is made is clearly in the context of a joke and in the Board's view Lord Ganesha answers in an assertive manner suggestive of his complicity in the light-hearted nature of this comment.*

#### **7. My Rebuttal:**

This is again a case of humour where one enjoys at the expense of the other. In particular where all the others "The Majority" in the table is enjoying at the hurt and bullying of "The Minority" in the table. This is an example which will be used to mock any Hindus possibly in future if we sit on a dinner table or workplace Christmas parties and will be possibly name called as "Elephant in the room". As per the human right commission and Anti-Discrimination commission, this clearly is a case of bullying which is illegal in Australia.

Elephant in the room is an English-language metaphorical idiom for an obvious problem or risk no one wants to discuss, or a condition of groupthink no one wants to challenge. If it is a light hearted humour what are they referring as the elephant in the room? A person of any color origin calling a person of the same color origin person in the same name of color maybe not considered offensive and light hearted but technically & legally in front of others it is offensive (a black person calling a black person as black or a white person calling a white person as white) but when a different colored person calls another different colored person by his color of skin it's highly offensive. In this case calling the only person who is with an elephant face as the elephant in the room is not a light hearted humour it's highly offensive and particularly hurtful to the millions of followers of Lord Ganesha.

Moreover it is highly offensive and forbidden to show Lord Ganesha's trunk moving around like that of an elephant in a playful way. The Trunk part of Lord Ganesha has a high significance and it is considered good/ bad/ positive / blessing/ bad omen/ etc. to see Lord Ganesha's Trunk depicted in various positions. Every depiction has its own reverence and significance.

#### **8. Board's Finding:**

*The majority of the Board considered that the depiction of Lord Ganesha was overall a positive and **depiction and that his inclusion in a scene that might suggest he can eat meat** is not less favourable than the manner in which the other religions are also depicted. For example the Board noted that the overall tone is humorous in relation to the depiction of many of the other figures— particularly Jesus, Zeus and L Ron Hubbard. The majority of the Board also considered that the depiction of Lord Ganesha in a meat eating context, **when there is no depiction of him eating meat**, is not of itself treatment that is likely to incite ridicule or to people of the Hindu faith. In the Board's view the depiction of Lord Ganesha in the context of this advertisement is not unfair or less favourable due to his religion and is not vilifying of the Hindu faith.*

## **8. My Rebuttal:**

What is the Board trying to say here whether Lord Ganesha is shown as eating meat or not shown as eating meat? When they are confused about what the advertisement shows how can they come to conclusion that the context of this advertisement is not unfair or less favourable due to his religion and is not vilifying of the Hindu faith. It is vilifying to show a God which doesn't consume meat or against killing a living thing to promote in this case passing a plate full of meat to another person to consume and having a plate full of chewed bones in front of him creating an assumption to viewers that he has consumed meat.

## **9. Boards Finding:**

*The Board noted the complainants' concerns that by depicting Lord Ganesha at a meal which is celebrating lamb and where the toast is, "the meat we can all eat" the advertisement is disrespectful to Hindus as it trivialises their God's dietary requirements and beliefs. (Page 11)*

*The majority of the Board acknowledged that some members of the community would find the advertisement to be offensive to Hindus, Buddhists, and those who do not eat lamb for religious or other reasons but considered that the actual content does not discriminate against or vilify a person or section of the community on account of their religion. The Board also noted complainants' concerns that the advertisement is offensive other religions in its depiction of the various deities. (Page 12)*

## **9. My Rebuttal:**

### **CULTURAL APPROPRIATION**

Cultural appropriation is the adoption or use of the elements of one culture by members of another culture. Often, the original meaning of these cultural elements is lost or distorted, and such displays are often viewed as disrespectful by members of the originating culture, or even as a form of desecration.

In this case the Board finds that some members of the community would find the advertisement to be offensive to Hindus, Buddhists and those who do not eat lamb for religious reasons, but it is still ok to show them as consuming meat or sitting in a table promoting consumption of meat because it is the majority culture to eat meat. This is a very bad depiction to force members of other faith who does not consume meat and also makes it a point that they should fit in regardless of their beliefs. When you suggest and show Lord Ganesha at a meal which is celebrating lamb and where the toast is, "the meat we can all eat"; it is a clear case of CULTURAL APPROPRIATION, where we Hindus or others who don't consume meat should sit on a table and accept consumption of meat and even promote it even if it is against our faith or beliefs just to fit in with the majority.

## **10. Boards Finding:**

*The Board noted the reference to Mohammed being unable to attend. The Board considered that whilst the prophet Mohammed is not depicted because it is forbidden in Islam, the advertisement still tries to include Mohammed by making a verbal reference to him.*

## **10. My Rebuttal:**

If it is taken into consideration that Islam forbids depiction of their Prophet, Why it is not taken into consideration it is forbidden to depict Hindu God Ganesha (Not Prophet, The God Himself) consuming Meat or Promoting Consumption of Meat. Also why it is not considered it is

offensive to make Lord Ganesha to say that he needs a 'New Marketing Plan' indirectly showing as if Hindu's want people from other faiths to convert to Hindu faith, which is not right as Hindus accept and respect all faiths equally and don't promote conversion to their faith.

**11. Boards Finding:**

*The Board noted the toast given in the advertisement, 'the meat we can all eat'. The Board noted that the hostess says lamb can be eaten, not that it shall or should be eaten and considered that there is no suggestion that everyone should eat lamb or that those who do not or cannot eat lamb, for whatever reason, should be thought less of. The Board considered that in the context of an advertisement promoting the consumption of lamb, the phrase 'the meat we can all eat' is not inappropriate or discriminatory to those who don't or can't eat lamb.*

**11. My Rebuttal:**

When it is a wrong statement "the meat we can all eat" (because not everyone can eat lamb due to their beliefs or dietary reasons) why does the board consider that as not inappropriate? The Depiction of Lord Ganesha and Buddhist Monk in the advertisement and saying a statement such as "the meat we can all eat" is in fact insinuating that Lord Ganesha and Buddhist Monks can eat lamb meat, hence it's inappropriate and discriminatory.

**12. Boards Finding:**

*The Board noted that after being connect to a dating app on his mobile phone by Aphrodite, Zeus receives an image of an eggplant and asks his fellow guests what it means. The Board noted that the eggplant emoji can be used in reference to male genitalia (<http://www.urbandictionary.com/define.php?term=eggplant%20emoji>) and considered that whilst we see some of the guests laugh when Zeus asks what it means, in the Board's view the lack of context means that this reference is mild and overall there is no undue focus on this particular scene. The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience of a G rated advertisement. The Board determined that the advertisement did not breach Section 2.4 of the Code.*

**12. My Rebuttal:**

The Board noted that the eggplant emoji can be used in reference to male genitalia and it has nothing to do with lamb consumption, how the board can consider it as mild. When a child who is underage asks what it is and why they are laughing at an eggplant can we ignore it as mild, and also the hand gesture of another character is very openly suggestive. This content with sexual reference particularly of same sexual reference which is forbidden in most religions and also for Gods particularly shown in that advertisement is definitely not mild and it should not be given a G rating.

**2). Substantial flaw in review process or how decision was made:**

I have strong belief that the Board's decision is factually wrong and they have not taken many important things into consideration. As this matter is of utmost importance to me since it involves my faith, I want to file a Review also under Substantial flaw in review process or how decision was made.

I believe that The Board didn't have any practicing Hindu or anyone belonging to Hindu faith in its panel, which has decided to dismiss my complaint, and took into consideration everything what Meat and Livestock Australia (MLA) have said about Hindu's & their faith, whilst they are the very people who undermined the faith and shown Lord Ganesha the most revered God in Hinduism in a derogatory manner.

As per the case report, Board considered the research done on a website as sufficient evidence of the research being done. Article of a website is not a research on Hinduism and cannot certainly authorize someone to use our Lord Ganesha to portray him in derogatory way.

Proper Hindu organisations or Hindu Priest or Hindu Temple Boards or Hindu Scholars should be consulted for any reference to a major and vast religion like Hinduism & most importantly it should be from those who accept and practice the faith, because they are the people who get affected by it, not Non-Hindus or those who don't practice Hindu faith actively.

The Board also took into consideration of MLA's reply that they have done extensive research on Hinduism, in this case as per MLA's response attached in the case report the MLA consulted with two external experts in the field of multi-faith religious studies from Australian Universities. A person of Multi-Faith Religious studies is not an expert on complex religion like Hinduism. Instead a Hindu religious scholar should have been consulted. We would also like to know the name and credentials of those 2 multi-faith experts whom the MLA consulted about Hinduism and their reports or direction if any MLA received from them to do this advertisement.

The Board did not consider the Minority of the Board's finding that minority of the Board considered that the current advertisement makes a very strong association between a characteristic of an important religious figure and a product, lamb that is contrary to those beliefs.

Also The Board did not consider the minority of the Board finding that it considered that the advertisement presents Lord Ganesha as a lamb eater and that this undermines an important characteristic of this God, and that this is therefore less favourable treatment given to the Hindu deity. The minority of the Board considered that this treatment of Lord Ganesh is therefore a depiction of a person in a manner that discriminates against or vilifies him, because of his characteristic of not eating meat and therefore is discriminatory to the Hindu section of the community, on the basis of religion. The minority of the Board considered that the advertisement breaches Section 2.1 of the Code.

It is mentioned in the case report that all the Board did was a considerable discussion within itself and the majority of the Board considered that the overall tone of the advertisement is light-hearted and humorous and in their view the intent is to be inclusive in a manner which promotes a harmonious and multi-faith environment, without any more research or review. When the minority of the board has accepted that the advertisement is derogatory then all care should have been given before finalizing the decision.

**Summary Request:**

Ever since the advertisement went on air, there was a lot of distress not only for me but for my whole community, there are incidents where Indians are called “Elephant in the Room” by the coworkers or colleagues as humour and it may seem as humour to others but it is definitely not humour for us (for privacy reasons I can’t name those affected). These things will only alienate communities and segregate them according to their beliefs and a Great Country like Australia has no place for those things in its communities.

As you are aware I am an individual who is fighting to uphold the right and the dignity of my Faith, I am not as big as Meat & Livestock Australia to fight a legal battle. I hope that Board will take a right decision and will help us keep the honour and pride of our faith. Derogatory show of my God Lord Ganesha in the name of humour has hurt me & many Hindus and our Hindu children who is left with many doubts and questions. This is going to have a lasting effect on them as they are practicing Hindu religion and worshipping Lord Ganesha and now will have a uncomfortable situation to accept the majority religions of Australia just to fit in or behave as expected in the name of Humour & Cultural Appropriation, if not they maybe teased and mocked at schools, workplace and social gatherings.

I hope the Board will consider and stop the bullying, vilification and mocking of Hindu God Ganesha through MLA’s Lamb advertisement.

Thanks

Kind Regards  
Karthik Arasu